



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,315	11/07/2001	Justin T. Nguyen	22950-08577	3848

758 7590 03/21/2007

FENWICK & WEST LLP  
SILICON VALLEY CENTER  
801 CALIFORNIA STREET  
MOUNTAIN VIEW, CA 94041

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 03/21/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notification of Non-Compliant Appeal Brief</b> <b>(37 CFR 41.37)</b>	<b>Application No.</b> 10/007,315	<b>Applicant(s)</b> NGUYEN ET AL.	
	<b>Examiner</b> Maikhanh Nguyen	<b>Art Unit</b> 2176	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 04 December 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.  
**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Attached.

*William L. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**

**NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS  
OF 37 § CFR 41.37**

1. Upon review of the IFW, it is noted that "*Summary of claimed subject matter*" appearing in the Appeal Brief filed 12/04/2006 is deficient.

2. 37 CFR § 41.37(c) (1) (v) reads as follows:

(c) (1) The brief shall contain the following items under appropriate headings and in the order indicated in paragraphs (c)(1)(i) through (c)(1)(x) of this section, except that a brief filed by an appellant who is not represented by a registered practitioner need only substantially comply with paragraphs (c)(1)(i) through (c)(1)(iv) and (c)(1)(vii) through (c)(1)(x) of this section:

....

(v) *Summary of claimed subject matter.* A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by **35 U.S.C. 112**, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference

to the specification by page and line number, and to the drawing, if any, by reference characters.

The “*Summary of claimed subject matter*” appearing the Appeal Brief filed 12/04/2006 is deficient because it fails to provide a proper mapping the claimed invention to the claims.

For Example, Appellant maps the claim limitation “*allowing 12 a user in communication with the website to create a plurality of event pages describing an event and a registration page associated with the event utilizing the online tools, each of the plurality of event pages being targeted to one of a plurality of participant groups, each of the plurality of participant groups comprising one or more participants, the event pages including a link to the registration page*” to Specification, p. 7, lines 11-14, p. 9, lines 6-8 and p. 12, lines 1-13 (see the Appeal Brief, page 4).

Page 7, lines 11-14 read “*automated enterprise event organization and management. A website is provided that includes online tools for event marketing and management (Block 10). A user in communication with the website is allowed to create and event page and a registration page associated with the event page, utilizing the online tools (Block 12). The event page includes a link to the registration page. A previously created*”; page 9, lines 6-8 read “*event organization and management system. A user 22 may access an event planning services site of the present invention via the internet 24, via a switch 26 and a router 27. The switch 26 and router are connected to a web server 28 for*”; and

page 12, lines 1-13 read “*Multiple event pages can be created for a single event. For example, a user may want to test different marketing messages, or have separate pages for exhibitors, speakers, staff, etc. By presenting multiple event pages, the user can market to specific populations. The event pages for the single event may be readily created by the user. The user can create a single page and make copies of the page for subsequent pages. Each page may be activated one at a time, or all together. A distinct invitee list may be created for each event page. Entries across invitee lists can be de-duplicated to ensure that no one receives more than one invitation. RSVP and guest status can be tracked at the event page level and/or the RSVP responses can be merged into a single summary.*”

Also, Appellant maps the claim limitation “*communicating to the user the information received from the first and second participants*” to Specification, page p. 7, lines 24-26.

Page 7, lines 24-26 read “*include a ticket for admission to the event. Information received from the participant is communicated to the user in order to allow for further event marketing and management (Block 20). A report about the event can be generated for the*”.

The above cited portions, however, fail to suggest the claimed “*allowing a user in communication with the website to create a plurality of event pages describing an event and a registration page associated with the event utilizing the online tools, each of the*

*plurality of event pages being targeted to one of a plurality of participant groups, each of the plurality of participant groups comprising one or more participants, the event pages including a link to the registration page” and “communicating to the user the information received from the first and second participants”.*

Appellant is advised to review the “*Summary of claimed subject matter*” and provide a proper mapping for the subject matter defined in each of the independent claims involved in the appeal.

3. A substitute brief that is in compliance with 37 CFR § 41.37(c) is required. To avoid dismissal of the appeal, Appellant must comply with the provisions of 37 CFR 41.37(c) within ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication. Extensions of time may be granted under 37 CFR 1.136.

For more information, see the United Patent and Trademark website [www.uspto.gov](http://www.uspto.gov) and, in particular, the web page entitled “More Information on the Rules of Practice Before the Board of Patent Appeals and Interferences, Final Rule” located at the following URL:

<http://www.uspto.gov/web/offices/dcom/bpai/fr2004/moreinfo.html>

### Contact information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

*Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).*

**Any response to this action should be mailed to:**

Commissioner for patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

MN

*William L. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**